

INCIDENT REPORT**190653749**

Report Type: Initial

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|----------|---|--|---|---|--|---|--|-----------------------|---|-------------------------|
| I | Incident Number 190-653-749 | Occurrence From Date / Time 09/02/2019 18:38 | Occurrence To Date / Time 09/02/2019 18:38 | Reported Date / Time 09/02/2019 18:38 | CAD Number 192453245 | 190653749 | | | | |
| N | Type of incident WARRANT ARREST, LOCAL SF WARRANT 63010 BATTERY, OF A POLICE OFFICER 04154 THREAT OR FORCE TO RESIST EXECUTIVE OFFICER 27171 | | | | | | | | | |
| C | Location of Occurrence: 350 GOLDEN GATE AVE | | | | | | At Intersection with/Premise Type SIDEWALK | | | |
| I | Confidential Report? <input type="checkbox"/> | Arrest Made? <input checked="" type="checkbox"/> | Suspect Known? <input type="checkbox"/> | Suspect Unknown? <input type="checkbox"/> | Non-Suspect Incident? <input type="checkbox"/> | | Domestic Violence? <input type="checkbox"/> | (Type of Weapon Used) | Use of Force? <input checked="" type="checkbox"/> | Reporting Unit 3J44C |
| D | Location Sent / On View: 350 GOLDEN GATE AVE | | | | | | At Intersection with Reporting District TENDERLOIN | | | |
| E | Crime and Clearance Status 6 | Reported to Bureau Name Star | Date/ Time Elder Victim <input type="checkbox"/> | Gang Related? <input type="checkbox"/> | Juvenile Subject? <input type="checkbox"/> | Prejudice Based? <input type="checkbox"/> | | | | |

Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04? Yes

| | | | | | | |
|----------|----------|---|--------------------|---|---|------------------------|
| O | D | I declare under penalty of perjury, this report of <u>7</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. | | | | |
| F | E | PROP 115 CERTIFIED Post Training | | | | |
| F | C | Reporting Officer TIEN, EDWARD L | Star 979 | Station Tenderloin Station | Watch 1200-2200 | Date 09/02/19 23:08 |
| I | L | Reviewing Officer RYAN, SHAUGHN P | Star 1756 | Station Tenderloin Station | Watch 1500-0100 | Date 09/02/19 23:12 |
| C | A | OIC HARVEY, THOMAS D | Star 1995 | Station Tenderloin Station | Watch 1500-0100 | Date 09/02/19 23:13 |
| E | R | Related Case -- | Related Case -- | Re-assigned to Copies to 5N200 3*300 3*300 3*300 | Assigned to 5N200 Add'l Copies DA/OR | Assigned by TH 1995 |
| T | I | | | | | |
| O | N | | | | | |

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|----------|----------|--|---|---|--------------------------------|--|--|-------------------------|-----------|---------------------|--------------------|
| R | 1 | Code R/V 1 | Name (Last, First Middle) TIEN 979; OKEEFE 4291 , SFPD | | | Alias | | | Email | | |
| V | | Day Phone (415) 345-7300 | Type Work | Home Address | | | City | | | State | Zip Code |
| I | | Night Phone | Type | Work Address 301 EDDY ST | | | City SAN FRANCISCO | | | State CA | Zip Code 94102- |
| C | | DOB Unk. <input type="checkbox"/> | or age between and | Race | Sex | Height | Weight | Hair Color | Eye Color | ID Type | Jurisd. ID No. |
| T | | Confidential Person <input type="checkbox"/> | Violent Crime Notification <input type="checkbox"/> | 293 PC Notification <input type="checkbox"/> | Star | Follow-up Form YES <input type="checkbox"/> | Statement YES <input type="checkbox"/> | Relationship to Subject | | | |
| I | | School (if Juvenile) | | Injury/Treatment | | | Other Information/If Interpreter Needed Specify Language | | | | |
| M | | Interpreter Needed <input type="checkbox"/> | Language | | Language Description(if Other) | | Language Line Service/Interpreter ID# | | | Bilingual Ofc Star# | |

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INCIDENT REPORT

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|--|--|--|--------------------|--|------------------------|--|-----------------------------|---------------|-------------------|-----------------------------|
| B O O K E D 1 | Code B 1 | Name (Last, First Middle) RAMOSHERNANDEZ, GUSTABO | | | Alias | | | Email | | |
| | Day Phone (000) 000-0000 | | Type None | Home Address | | City | | | State | Zip Code |
| | Night Phone | | Type | Work Address | | City | | | State | Zip Code |
| | DOB Unknown <input type="checkbox"/> | Date of Birth 11/Redacted/98 | Age 20 | or age between and | Race H | Sex M | Height 5'7 | Weight 133 | Hair Color BLK | Eye Color BRO |
| | SFNO Redacted | J/D# (if Juvi) FBI USA Redacted | | ID Type/Jurisdiction/Number CII CA Redacted | | | ID Type/Jurisdiction/Number | | | ID Type/Jurisdiction/Number |
| | Booking Charge(s) N/W 243(c)(2) PC; N/W 69(a) PC; N/W 21810 PC / N/W 11351 HS; N/W 11351 HS; N/W 11351.5 HS / 148(a)(1) PC; 166(a)(4) PC; 166(a)(4) PC | | | | | Booking Location COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY | | | | |
| | Warrant # 800688 | | Court# | Action# | Dept# | | Enroute to Local SF | | | |
| | Warrant Violation(s) 11351.5 HS; 11351 HS; 11378 HS | | | | | Bail (\$) \$25,000 | | | | |
| | Warrant # 800205 | | Court# | Action# | Dept# | | Enroute to Local SF | | | |
| | Warrant Violation(s) 11351 HS; 11378 HS; 11351.5 HS | | | | | Bail (\$) No Bail | | | | |
| | Warrant # 800207 | | Court# | Action# | Dept# | | Enroute to Local SF | | | |
| | Warrant Violation(s) 166(a)(4) PC | | | | | Bail (\$) \$15,000 | | | | |
| | Warrant # 800204 | | Court# | Action# | Dept# | | Enroute to \$15,000 | | | |
| | Warrant Violation(s) 166(a)(4) PC | | | | | Bail (\$) \$15,000 | | | | |
| | Warrant # 800687 | | Court# 18020075 | Action# | Dept# 11 | | Enroute to Local SF | | | |
| Warrant Violation(s) 11351.5 HS; 11351 HS; 11378 HS; 166(a)(4) PC | | | | | Bail (\$) \$25,000 | | | | | |
| Warrant # 800206 | | Court# | Action# | Dept# | | Enroute to Local SF | | | | |
| Warrant Violation(s) 11351 HS; 11378 HS; 11351.5 HS 166(a)(4) PC | | | | | Bail (\$) No Bail | | | | | |
| Warrant # 800686 | | Court# 19002845 | Action# | Dept# 11 | | Enroute to Local SF | | | | |
| Warrant Violation(s) 166(a)(4) PC | | | | | Bail (\$) \$5000 | | | | | |
| Warrant # 800685 | | Court# 19004749 | Action# | Dept# 11 | | Enroute to Local SF | | | | |
| Warrant Violation(s) 166(a)(4) PC | | | | | Bail (\$) \$5000 | | | | | |

Report Type: Initial

INCIDENT REPORT

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| Citation# | Violation(s) | | | Apear Date/time | Location of Appearance | |
| <input type="checkbox"/> CA Form Booked Copy Attached | Mirandized: Star <input type="checkbox"/> | Date Time | | CWB Check NATALIE | Star 78 | |
| | Book/Cite Approval SGT. RYAN | Star 1756 | Mass Arrest Code | M X-Rays <input type="checkbox"/> | School (if Juvenile) | Statement <input type="checkbox"/> |
| Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos WEARING: BLACK JACKET; BLACK PANTS | | | | | | |
| Interpreter Needed | <input type="checkbox"/> | Language | Language Description(if Other) | | Language Line Service/Interpreter ID# | Bilingual Ofc Star# |

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| P R O P E R T Y | E | Code/No EVD 1 | Item Description PHOTOGRAPHS | | | Brand | Model | | |
| | 1 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity | Value |
| | Seized by (Star) 979 | | From Where TENDERLOIN STATION | | | | | | |
| | Additional Description/Identifying Numbers Photographs of (B1) and (V1) | | | | | | | | |

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| P R O P E R T Y | E | Code/No EVD 2 | Item Description STAY AWAY ORDERS | | | Brand | Model | | |
| | 2 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity 2 | Value Total |
| | Seized by (Star) 979 | | From Where TENDERLOIN STATION | | | | | | |
| | Additional Description/Identifying Numbers two stay away orders for (B1) (Crt:18018217,18020075) | | | | | | | | |

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| P R O P E R T Y | E | Code/No EVD 3 | Item Description SUSPECTED FENTANYL | | | Brand | Model | | |
| | 3 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. 19306207 | Quantity 30 | Value Total |
| | Seized by (Star) 979 | | From Where (B1)'S PERSON | | | | | | |
| | Additional Description/Identifying Numbers 30 individual bindles of suspected fentanyl weighed at 17 grams gross. | | | | | | | | |

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| P R O P E R T Y | E | Code/No EVD 4 | Item Description SUSPECTED COCAINE BASE | | | Brand | Model | | |
| | 4 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. 19306207 | Quantity 62 | Value Total |
| | Seized by (Star) 979 | | From Where (B1)'S PERSON | | | | | | |
| | Additional Description/Identifying Numbers 62 individual bindles of suspected cocaine base weighed at 12.9 grams gross | | | | | | | | |

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| P R O P E R T Y | E | Code/No EVD 5 | Item Description SUSPECTED HEROIN | | | Brand | Model | | |
| | 5 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. 19306207 | Quantity 26 | Value Total |
| | Seized by (Star) 979 | | From Where (B1)'S PERSON | | | | | | |
| | Additional Description/Identifying Numbers 26 individual bindles of suspected heroin weighed at 11.3 grams gross. | | | | | | | | |

INCIDENT REPORT**190653749**Report Type: **Initial**

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| P R O P E R T Y | E | Code/No EVD 6 | Item Description SUSPECTED COCAINE SALT | | | | Brand | Model | |
| | 6 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. 19306207 | Quantity 8 | Value Total |
| | | Seized by (Star) 979 | | From Where (B1)'S PERSON | | | | | |
| | | Additional Description/Identifying Numbers 8 individual bindles of suspected cocaine salt weighed at 6.4 grams gross. | | | | | | | |
| P R O P E R T Y | E | Code/No EVD 7 | Item Description SUSPECTED METHAMPHETAMINE | | | | Brand | Model | |
| | 7 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. 19306207 | Quantity 1 | Value Total |
| | | Seized by (Star) 979 | | From Where (B1)'S PERSON | | | | | |
| | | Additional Description/Identifying Numbers 1 baggie of Suspected Methamphetamine weighed at 7.9 grams gross | | | | | | | |
| P R O P E R T Y | E | Code/No EVD 8 | Item Description BRASS KNUCKLES | | | | Brand | Model | |
| | 8 | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity 1 | Value |
| | | Seized by (Star) | | From Where (B1)'S BACKPACK | | | | | |
| | | Additional Description/Identifying Numbers | | | | | | | |
| P R O P E R T Y | B | Code/No BWC 1 | Item Description BODY WORN CAMERA FOOTAGE | | | | Brand AXON | Model II | |
| | W | Serial No. | | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity | Value |
| | C | Seized by (Star) | | From Where | | | | | |
| | 1 | Additional Description/Identifying Numbers 979; 4291 | | | | | | | |

NARRATIVE

On September 2, 2019, at approximately 1838 hours, Officer OKeefe #4291 and I were in full police uniform and driving a marked police vehicle, patrolling the area of the 300 block of Golden Gate Avenue.

I was driving eastbound on Golden Gate Avenue towards Hyde Street when Officer OKeefe told me that he observed a known subject, (B1) Gustavo RamosHernandez, walking westbound on Golden Gate Avenue towards our direction. Officer OKeefe had prior knowledge that RamosHernandez had multiple felony warrants for his arrest.

I exited my vehicle and yelled out "Hey Ramos, STOP!". RamosHernandez continued to walk westbound on Golden Gate Avenue towards Larkin Street. I yelled out again "Hey STOP!" at RamosHernandez. RamosHernandez again ignored my commands and continued walking westbound on Golden Gate Avenue.

I jogged up to RamosHernandez and grabbed him by his backpack, and again told him to stop. RamosHernandez proceeded to try and take his arms out of the backpack straps as soon as I grabbed his backpack. Believing that RamosHernandez was attempting to flee from me, I grabbed RamosHernandez by the left arm while Officer OKeefe grabbed RamosHernandez by the right arm. At this point I activated my body worn camera.

RamosHernandez immediately tensed his arms and locked them, preventing me from placing his arms behind his back. RamosHernandez broke free of my grip, and swung his left elbow towards me, making contact with the right side of my forehead. RamosHernandez elbowed me on my forehead. At this point RamosHernandez was actively resisting me, assaulting me, and preventing me from making a lawful arrest. I proceeded to wrap my arms around RamosHernandez's body and brought him to the ground.

After I brought RamosHernandez to the ground, I was able to gain control of his left arm. I observed that RamosHernandez was still resisting and preventing Officer OKeefe from gaining control of his right arm. Officer OKeefe proceeded to perform body strikes on RamosHernandez. See Officer OKeefe's use of force statement for further.

We were finally able to place RamosHernandez under arrest and in handcuffs, double locking them and checking for proper degree of tightness.

I received minor swelling to the right side of my forehead as a result of RamosHernandez elbowing me in the head. I later took (E1) photographs of the swelling and later booked it into evidence.

Sgt. Ryan #1756 arrived on scene for Officer OKeefe's reportable use of force and conducted a use of force evaluation, and later entered the use of force into the Use of Force log at Tenderloin Station.

RamosHernandez did not have any complaints of pain or visible injuries, and refused any medical treatment. I later took photographs of RamosHernandez at Tenderloin Station.

I located security cameras at 350 Golden Gate Avenue that may have captured the incident (415-361-5113 M-F 0830-1730).

I conducted an arrest search on RamosHernandez and observed a circular bulge in the top waistband of RamosHernandez. I located (E5) suspected heroin, (E3) suspected fentanyl, (E4) suspected cocaine base, (E6) suspected cocaine salt and (E7) suspected methamphetamine, tucked underneath the upper front waistband of RamosHernandez pantsline. I seized the illegal narcotics as evidence.

A computer query revealed the following active warrants for RamosHernandez which were confirmed by Natalie #67 at CWB:

WXX:800686; Viol: 166(a)(4) PC; Bail: \$5000

INCIDENT REPORT**190653749**Report Type: **Initial**

WXX:800685; Viol: 166(a)(4) PC; Bail: \$5000

WXX:800687; Viol: 11351.5 HS, 11351 HS, 11378, 166(a)(4) PC; Bail:\$25,000

WXX:800688; Viol: 11351.5 HS, 11351 HS, 11378 HS; Bail:\$25,000

WXX:800205; Viol: 11351 HS, 11378 HS, 1151.5 HS; No Bail

WXX:800206; Viol: 11351 HS, 11378 HS, 11351.5 HS, 166(a)(4) PC; No Bail

WXX:800204; Viol: 166(a)(4) PC; Bail:\$15,000

WXX:800207; Viol: 166(a)(4) PC; Bail:\$15,000

The computer query also revealed that he had two active stay away orders:

Court#: 18018217- stay away 150 yards from 370 Golden Gate Avenue

Court#: 18020075- must stay out of Tenderloin District bounded by Van Ness Ave-west, Mission Street-south, 4th Street and Stockton Street-east, Geary Blvd-north

It should be noted that we observed RamosHernandez walking on the 300 block of Golden Gate Avenue which is in directly violation of the above stay away orders.

Officer OKeefe and I transported RamosHernandez back to Tenderloin Station.

At Tenderloin Station, an inventory search of RamosHernandez's property revealed that RamosHernandez was in possession of a (E8) brass knuckles.

At Tenderloin Station, I handed the illegal narcotics to Officer Vainshtok who counted and weighed them as follows:

-26 bindles of suspected heroin, 11.3 gross grams

-30 bindles of suspected fentanyl, 17.0 gross grams

-62 bindles of suspected cocaine base, 12.9 gross grams

-1 rock of suspected methamphetamine, 7.9 grams

-8 bindles of suspected cocaine salt, 6.4 gross grams

The area of the 300 block of Golden Gate Avenue is known to myself and other officers as an area where illegal narcotics sales are sold, bought and consumed at all hours. The area of the 300 block of Golden Gate Avenue is a constant source of complaints to citizens that live, work, or utilize public transportation.

It should be noted I have participated in multiple drug arrests, including cocaine-base, cocaine salt, methamphetamine, heroin, fentanyl and controlled substances over the course of my career as a police officer. I have spoken with users and sellers of drugs on a regular basis throughout my career. I have seen cocaine-base, cocaine salt, methamphetamine, heroin, fentanyl and controlled substances hundreds of times in my career and am aware of the appearance, method of packaging and feel of these narcotics.

Based on my training and experience, the amount of narcotics, the variety of narcotics, the manner in which they were packaged, the lack of any form of narcotic paraphernalia to ingest heroin, cocaine base, cocaine salt, methamphetamine, and fentanyl, the warrants for his arrest are for narcotics related offenses, I fully believed that RamosHernandez possessed the suspected heroin, cocaine salt, methamphetamine, fentanyl and cocaine base for sales.

Report Type: **Initial****INCIDENT REPORT****190653749**

With the approval of Sgt. Ryan, RamosHernandez was booked on the above charges and warrants at CJ#1.

Officer OKeefe contacted Annette at ID Bureau who faxed over copies of the (E2) stay away orders for RamosHernandez.

I booked all the non-narcotics related evidence at Tenderloin Station.

Officer Lim #1464 later hand carried the above mentioned narcotics to the narcotics drop box at 850 Bryant Street.

I later uploaded my (BWC1) body worn camera footage.

Incident Report Statement

INCIDENT NO.

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| 1 | 9 | 0 | 6 | 5 | 3 | 7 | 4 | 9 |
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|--|-----------------------|-------------------------|--|--|--|--|----------|
| Name (Last,First,Middle) O'Keefe, Kohl 4291 | | | DOB/Age | Residence Phone(Day/Night) | | Business Phone (Day/Night) 415/553-1426 | |
| Residence | | | Zip Code | Business Address / City if not San Francisco , SF | | | Zip Code |
| Date of Statement 09/02/19 | Time Started 19:28 | Time Completed 19:28 | Location Where Statement Taken At Scene <input checked="" type="checkbox"/> Other: TEND | | | | |

On the above listed date and time, I was in full uniform, working with my partner Officer Tien #979, riding in a marked SFPD vehicle and assigned to the Tenderloin police district. While driving east on Golden Gate Avenue, I observed a known subject (B1) Gustabo Ramos-Hernandez standing in the area of 350 Golden Gate. I have previous knowledge that Ramos-Hernandez has multiple warrants for his arrest and an active stay away court order from the entire Tenderloin District.

Officer Tien exited our vehicle to place Ramos-Hernandez under arrest. I exited our vehicle and I heard Officer Tien order Ramos-Hernandez to stop and to place his hands behind his back. I observed Ramos-Hernandez break Officer Tien's grip and attempt to flee capture. I grabbed Ramos-Hernandez by his right arm and immediately felt him attempt to pull away, preventing me from putting his hand behind his back. Officer Tien and I were eventually able to take Ramos-Hernandez to the ground. Ramos-Hernandez actively resisted us and ignored our orders to place his hands behind his back. Ramos-Hernandez kept his hands underneath his body and would not put them behind his back. I then delivered two strikes to the right side of Ramos-Hernandez's ribs with a closed right fist. After these strikes, Ramos-Hernandez placed his hands behind his back and we were able to put him into handcuffs without further incident. I later notified Sgt. Ryan #1756 who responded to the scene and conducted a use of force evaluation. Sgt. Ryan later logged my use of force in the use of force log at Tenderloin Station.

It should be noted that the event unfolded so fast, the fact that Ramos-Hernandez was assaulting my partner, and for Officer Tien's and my safety, I was unable to activate my body worn camera immediately.

Required Elements in Use of Force Incident Reports:

The subject's action necessitating the use of force, including the threat presented by the subject: Ramos-Hernandez actively resisted arrest and pulled away from me.

Efforts to de-escalate prior to the use of force; and if not, why not; Officer Tien and I gave Ramos-Hernandez multiple verbal commands to place his hands behind his back and all were met with negative results.

Any warning given and if not, why not; Due to the face that Ramos-Hernandez was actively resisting arrest and the fact that we were on the ground with our backs to traffic and pedestrians it was not feasible to give a warning.

The type of force used; Closed fists.

Injury sustained by the subject; none observed or reported by Ramos-Hernandez.

Injury sustained by the officer or another person; Officer Tien suffered a bruise to the right side of his forehead.

Information regarding medical assessment or evaluation, including whether the subject refused; Ramos-Hernandez had no visible injury, complaint of pain and refused all medical attention.

The supervisor's name, rank, star number and the time notified; Sgt. Ryan #1756 at 1830 hours.